

EXHIBIT 1

Gray, Jefferson M. (USAMD)

From: Chapla, Claire <Claire.Chapla@weil.com>
Sent: Tuesday, June 25, 2024 3:11 PM
To: Gray, Jefferson M. (USAMD)
Cc: Patricia_Richman@fd.org; Weeks, Crystal; Katzen, Alli
Subject: [EXTERNAL] U.S. v. McComber, No. 1:21-cr-00036-ELH - Proposed Redactions to Govt Reply Brief
Attachments: [DI-478] 2024-06-13 Gov't Reply Brief to Sentencing Memo (Proposed Redactions).pdf

Jeff,

As you know, Judge Hollander has directed the parties to confer about which portions of the government's sentencing Reply brief and exhibits (ECF Nos. 478 through 478-10) should be sealed, taking into account the Court's May 31 sealing order (ECF No. 467).

Attached and below are the defense's proposed redactions. Yellow highlighting in the attached indicates portions of the Reply that the defense proposes to seal. These proposed redactions are consistent with the Court's prior order sealing portions of the defense's Sentencing Memorandum, Social History Report, and certain exhibits, including descriptions of Ms. McComber's relationship with her former husband Bobby Kimmel, material implicating the privacy interests of third parties, and excerpts from the NSA OIG interview of Dwayne Preston. See ECF Nos. 467, 469, 470, 471, 433-6 & 433-10. Blue highlighting indicates those portions of the Reply that should be redacted in accordance with the Court's order striking certain portions of the Reply and exhibits (subject to any motion by the government to rescind the order)—namely, ECF No. 478 at 9 n.3 & 12 n.5, ECF 478-4, and ECF 478-7. See ECF No. 482.

In addition, the defense proposes that the following exhibits to the Reply should be sealed, stricken, or (where indicated) redacted:

- ECF No. 478-1 – Should be sealed consistent with the Court's prior order sealing an interview with the NSA OIG. See ECF Nos. 467 & 433-10.
- ECF No. 478-2 – Pages 3 through 9 should be redacted in full, consistent with the Court's prior order sealing an interview with the NSA OIG (see ECF Nos. 467 & 433-10), except for the following portions, which were filed on the public docket previously:
 - The statement on OIG transcript pages 12:22 through 13:4 that, "She was a prolific liar who, I think, believed her lies. She just lied. She lied when there was no reason to lie. She'd argue that those walls are blue, and you could clearly see they're not."
 - OIG transcript page 31.
- ECF No. 478-3 – Should be sealed consistent with the Court's prior order sealing an interview with the NSA OIG. See ECF Nos. 467 & 433-10.
- ECF No. 478-5 – Should be sealed consistent with the Court's prior order sealing substantial portions of Ms. McComber's Social History Report to protect the privacy of third parties, as well as an interview with the NSA OIG. See ECF Nos. 467, 470 & 433-10.

- ECF Nos. 478-4 & 478-7 – Stricken pursuant to the Court’s order on the motion to strike, ECF No. 482.
- ECF No. 478-8 – Should be sealed consistent with the Court’s prior order sealing the portions of the Social History Report describing Ms. McComber’s relationship with her former husband, Bobby Kimmel. See ECF Nos. 467 & 470.
- ECF No. 478-9 – Should be sealed consistent with the Court’s prior order sealing the portions of the Social History Report describing Ms. McComber’s relationship with her former husband, Bobby Kimmel. See ECF Nos. 467 & 470.
- ECF No. 478-10 – Should be sealed consistent with the Court’s prior order sealing this material in Ms. McComber’s Social History Report. See ECF Nos. 467 & 470.

Please let us know if the government agrees to this proposal or if it would be helpful to discuss.

Best,
Claire

Weil

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